

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel
Mail Stop INTERFERENCE
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450
Tel: 703-308-9797 Fax: 703-305-0942

Paper No. **37**

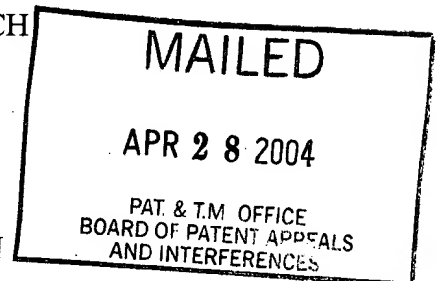
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

THOMAS A. GENISE, RONALD K. MARKYVECH
and JAMES R. McREYNOLDS
Junior Party
(Application 08/666,164)¹

v.

THOMAS DESAUTELS, EDWARD M. BACON
and STEVE M. WEISMAN
Senior Party,
(Patent No. 5,573,477)²



Patent Interference No. 104,834

Before McKELVEY, Senior Administrative Patent Judge, and LEE and MOORE,
Administrative Patent Judges.

LEE, Administrative Patent Judge.

JUDGMENT – RULE 658

¹ Filed June 19, 1996. Accorded the benefit of Application 08/649,830, filed April 30, 1996. The real party in interest is Eaton Corporation.

² Based on Application 08/508,155, filed July 27, 1995. The real party in interest is Rockwell International Corp. and ZF Meritor, LLC.

Interference No. 104,834
Genise v. Desautels

For the reasons given in the Decision on Priority (Paper No. 103), it is

ORDERED that judgment on priority as to the subject matter of the sole count, Count 1, is herein entered against junior party THOMAS A. GENISE, RONALD K. MARKYVECH and JAMES R. McREYNOLDS;

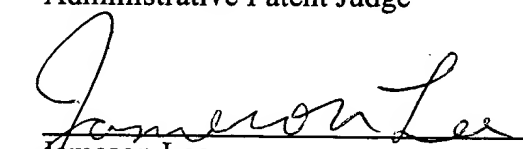
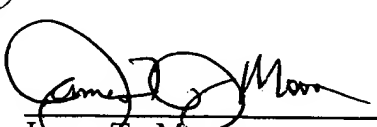
FURTHER ORDERED that junior party THOMAS A. GENISE, RONALD K. MARKYVECH and JAMES R. McREYNOLDS is not entitled to its application claims 48-50 and 53 which correspond to Count 1;

FURTHER ORDERED that the motion panel's May 12, 2003 decision on preliminary motions (Paper No. 66) is merged herewith for purposes of judicial review;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties.

mgk

Fred E. McKelvey, Senior Administrative Patent Judge)	BOARD OF PATENT APPEALS AND INTERFERENCES
 Jameson Lee Administrative Patent Judge)	
 James T. Moore Administrative Patent Judge)	

Interference No. 104,834
Genise v. Desautels

By Facsimile:

Counsel for Senior Party Desautels:

703-836-2021 (Fax)
R. Danny Huntington, Esq.
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Counsel for Junior Party Genise:

202-293-7860 (Fax)
J. Frank Osha, Esq.
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, Suite 800
Washington, D.C. 20037